

JERRY MCKINNEY on 09/14/2020

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF LOUISIANA  
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5 JERRY MCKINNEY, SR. NO. 1:19-CV-01399-DDD-JPM

6 Plaintiff

7 VS. JUDGE DAVID C. JOSEPH

8 RAPIDES PARISH SHERIFF'S  
9 OFFICE AND SHERIFF WILLIAM  
EARL HILTON

10 Defendants MAGISTRATE JUDGE  
PEREZ-MONTES

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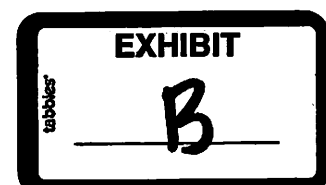
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22 Video deposition of JERRY L. MCKINNEY taken

23 September 14, 2020 via zoom video conference

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<p>1 Q Okay. Which years were you in the Army?</p> <p>2 A 1974, January.</p> <p>3 Q Um-hum.</p> <p>4 A 1998, August.</p> <p>5 Q '88 you said?</p> <p>6 A '98.</p> <p>7 Q Oh, '98. What was your rank in the Army?</p> <p>8 A My rank at retirement was Sergeant First Class</p> <p>9 E-7.</p> <p>10 Q Got it. And, your discharge, I'm assuming, was</p> <p>11 honorable.</p> <p>12 A My discharge was honorable.</p> <p>13 Q Great. All right. So, when you finished with</p> <p>14 the Army, then did you get into law enforcement?</p> <p>15 A No. I didn't get into law enforcement right</p> <p>16 away. I had to do an interview.</p> <p>17 Q Okay. So, tell me a little bit about that.</p> <p>18 A I did an interview with the Sheriff's</p> <p>19 Department, and I was attending school at LSUA.</p> <p>20 Q Okay. So, when did you first start working for</p> <p>21 the Sheriff's Department?</p> <p>22 A February 1st, 1998.</p> <p>23 Q Okay. And, what was your position then?</p> <p>24 A I worked as a jailer.</p> <p>25 Q Okay. Do you remember what portion of the jail</p>	<p>1 given a deposition?</p> <p>2 A No, sir.</p> <p>3 Q All right. So, 1998 to 2008 you worked at DC-1.</p> <p>4 Does that sound about right?</p> <p>5 A I worked at DC-1 and at DC-2.</p> <p>6 Q Okay. And, you were a jailer; is that correct?</p> <p>7 A I was a jailer.</p> <p>8 Q Okay. And, what kind of hours did you work as a</p> <p>9 jailer?</p> <p>10 A We had a 12-hour shift.</p> <p>11 Q Okay. We're going to talk later about what</p> <p>12 happens in, you know, 2017, 2018. But, what I'm</p> <p>13 talking about now is just this time, the '98 to</p> <p>14 2008. During that period of time did you ever</p> <p>15 work 8-hour shifts as a jailer?</p> <p>16 A It was a 12-hour shift.</p> <p>17 Q Okay. 12-hour shift is required for a jailer;</p> <p>18 is that true?</p> <p>19 A That was -- that's what I was assigned to work,</p> <p>20 12-hour shift.</p> <p>21 Q And, that's what you always did work from 1998</p> <p>22 to 2008?</p> <p>23 A Yes.</p> <p>24 Q Okay. That was my question though, was the</p> <p>25 12-hour shift a requirement of the job to be a</p>
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<p>1 you were assigned to? In other words, I know</p> <p>2 there is a D. I think there is maybe a C. Do</p> <p>3 you know what jail position you were in?</p> <p>4 A I worked at the main jail, DC-1.</p> <p>5 Q DC-1?</p> <p>6 A The main jail.</p> <p>7 Q All right. And, about how long were you a</p> <p>8 jailer?</p> <p>9 A From 1998 to 2008.</p> <p>10 Q Okay. I'm going to get into that in a second.</p> <p>11 There's a couple of other questions I just have</p> <p>12 to ask. I believe I know the answer to this</p> <p>13 already. But, in the last ten years you haven't</p> <p>14 been convicted of any crime; correct?</p> <p>15 A No, sir.</p> <p>16 Q Great. All right. And, have you -- other than</p> <p>17 this lawsuit, have you ever filed a lawsuit</p> <p>18 before?</p> <p>19 A No, sir.</p> <p>20 Q Okay. Have you ever been sued?</p> <p>21 A No, sir.</p> <p>22 Q Okay. And, have you ever -- other than this</p> <p>23 claim, have you ever filed an EEOC charge?</p> <p>24 A No, sir.</p> <p>25 Q Have you -- other than today, have you ever</p>	<p>1 jailer?</p> <p>2 A When I was hired on it was a 12-hour shift as a</p> <p>3 jailer.</p> <p>4 Q Okay. All right. So, you did that to 2008.</p> <p>5 And, then what happened after 2008?</p> <p>6 A In 2008 I was interviewed for a job as</p> <p>7 courthouse security.</p> <p>8 Q Okay. Kind of like as a bailiff?</p> <p>9 A As a bailiff.</p> <p>10 Q Okay. All right. So, when you were a jailer</p> <p>11 from the '98 to 2008 were you POST certified?</p> <p>12 A I was POST certified.</p> <p>13 Q Okay. When did you first receive your POST</p> <p>14 certification?</p> <p>15 A In 1998.</p> <p>16 Q Okay. Now, how often did you have to requalify</p> <p>17 with your weapon after you received POST</p> <p>18 certification?</p> <p>19 A We qualified with our weapon on an -- annually</p> <p>20 on our birthday month.</p> <p>21 Q Okay. So, correct me if I'm wrong, but my</p> <p>22 understanding is you have to qualify every year</p> <p>23 with your weapon to remain POST certified; is</p> <p>24 that correct?</p> <p>25 A That is correct.</p>

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<p>1 Q Okay. All right. So, moving forward, you</p> <p>2 applied for a position as a bailiff, and I'm</p> <p>3 assuming you got that job.</p> <p>4 A I did.</p> <p>5 Q Okay. And, when you got that job you were POST</p> <p>6 certified at that time; correct?</p> <p>7 A I was.</p> <p>8 Q Was POST certification a requirement to be a</p> <p>9 bailiff?</p> <p>10 A I'm not sure if it was a requirement, but I was</p> <p>11 POST certified.</p> <p>12 Q Did you carry a weapon while you were a bailiff?</p> <p>13 A I carried my firearm while I was a bailiff.</p> <p>14 Q Was that a requirement that bailiffs have</p> <p>15 firearms?</p> <p>16 A The position I had was courthouse security. I</p> <p>17 was required to carry a firearm.</p> <p>18 Q Okay. And, in order to carry a firearm you have</p> <p>19 to be POST certified, right, to carry a firearm?</p> <p>20 A We have -- you have to be POST certified to</p> <p>21 carry a firearm.</p> <p>22 Q Okay. That's what I thought. All right. So,</p> <p>23 how long did you work as a bailiff?</p> <p>24 A I worked as a bailiff from 2008 to 2018.</p> <p>25 Q Okay. All right. So, let's talk a little bit</p>	<p>1 Q Okay. All right. Let me back up a second</p> <p>2 because at that point you were -- you were a</p> <p>3 bailiff, right, when you had the jail -- I'm</p> <p>4 sorry -- strike that -- You were courthouse</p> <p>5 security when you had your stroke; is that</p> <p>6 right?</p> <p>7 A That's correct.</p> <p>8 Q Okay. Tell me the type of things you would do</p> <p>9 in courthouse security. What type -- I'm</p> <p>10 talking about before your stroke. What were</p> <p>11 your normal job duties, assignments, what type</p> <p>12 of things would you do on a day-to-day basis?</p> <p>13 A I would -- I would secure and check my courtroom</p> <p>14 each morning --</p> <p>15 Q Okay.</p> <p>16 A -- prior to starting court. I would ensure my</p> <p>17 judge's chambers was cleared prior to her coming</p> <p>18 to work, and I would receive the -- the inmates</p> <p>19 for court that day coming to my courtroom, and I</p> <p>20 would secure them in a holding cell to have them</p> <p>21 appear in front of the -- the -- until they</p> <p>22 would appear in front of the judge.</p> <p>23 Q Okay. I'm going to give you a second and I'm</p> <p>24 going to ask you something else; okay? Just</p> <p>25 take your time. Let me know when you're ready</p>
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<p>1 about while you were working as a bailiff. I</p> <p>2 understand at some point you had a stroke. Does</p> <p>3 that sound about right?</p> <p>4 A Yes, that's right.</p> <p>5 Q Do you remember when it was that you had your</p> <p>6 stroke?</p> <p>7 A I had a stroke on Wednesday, November the 29th,</p> <p>8 2017.</p> <p>9 Q Okay. And, prior to that stroke that we're</p> <p>10 talking about in November of 2017 had you ever</p> <p>11 had a stroke before then?</p> <p>12 A No, sir.</p> <p>13 Q Okay. So, tell me, after you had your stroke,</p> <p>14 how long were you out of work?</p> <p>15 A I was out of work from November, 2017 to</p> <p>16 February, 2018.</p> <p>17 Q Okay. All right. And, tell me what kind of</p> <p>18 problems you had following your stroke. Let me</p> <p>19 be specific. I'm talking about 2017 until</p> <p>20 February of 2018, that period of time. What</p> <p>21 kind of issues and difficulties were you having</p> <p>22 then?</p> <p>23 A I had issues with my hand and arm.</p> <p>24 Q Um-hum.</p> <p>25 A And with my speech.</p>	<p>1 and we'll go from there.</p> <p>2 A I'm ready, sir.</p> <p>3 Q Okay. And, like I said, if you need to take a</p> <p>4 break, it's okay. It's just, you know, part of</p> <p>5 the process. It just takes a little while, and</p> <p>6 I don't know the answer to this because I wasn't</p> <p>7 there. So, I'm just trying to understand; okay?</p> <p>8 All right. So, tell me when you were though</p> <p>9 before that, right, when you were working for</p> <p>10 the ten years in jail -- in the jail, what type</p> <p>11 of duties did you have to do while you were in</p> <p>12 the jail?</p> <p>13 A We had to do head count.</p> <p>14 Q Okay.</p> <p>15 A Medication and feeding of the inmates.</p> <p>16 Q Okay.</p> <p>17 A Also, we did church settings.</p> <p>18 Q Um-hum.</p> <p>19 A And, get the inmates ready if they had</p> <p>20 appointments or court.</p> <p>21 Q All right. I know we're going to talk later</p> <p>22 about after your stroke and when you went back</p> <p>23 to the jail. I'm just trying to understand</p> <p>24 generally speaking in the jail setting, since</p> <p>25 you worked there for ten years, is it loud if</p>

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<p>1 many rounds?</p> <p>2 A We was -- we are issued 60 rounds of ammo for</p> <p>3 qualification.</p> <p>4 Q Okay. And, in addition to those three times,</p> <p>5 did you ever go and do practice at the range?</p> <p>6 A I went to do practice at the range on my own</p> <p>7 after work.</p> <p>8 Q Okay.</p> <p>9 A And, also, I did practice with a class where I</p> <p>10 -- a class I went to practice along with a</p> <p>11 class, also.</p> <p>12 Q Okay. Do you know about how many times you went</p> <p>13 to practice?</p> <p>14 A I practiced on my own -- on my own a couple of</p> <p>15 weeks after work after 4:30 on my own.</p> <p>16 Q Okay.</p> <p>17 A And, I went out to practice in July on my own</p> <p>18 after work.</p> <p>19 Q Okay.</p> <p>20 A And, I believe either in October or November I</p> <p>21 went out and they had a class, a corrections</p> <p>22 class going on. So, the instructor say I can</p> <p>23 come out and practice with the class, and I did.</p> <p>24 Q Okay. So, when you went to practice a couple</p> <p>25 weeks after 4:30, how many rounds were you</p>	<p>1 qualifying rounds?</p> <p>2 A We was given practice rounds before the</p> <p>3 qualification -- before the qualifications.</p> <p>4 Q I see. All right. So, to make sure I'm clear</p> <p>5 here, you attempted to qualify in March, July</p> <p>6 and October or November of '18. Does that sound</p> <p>7 right?</p> <p>8 A No, that's not right.</p> <p>9 Q Okay. Please, correct me.</p> <p>10 A In March I was -- I went to the range in March</p> <p>11 after my stroke.</p> <p>12 Q Okay, yep.</p> <p>13 A And, I was not allowed by the firearm</p> <p>14 instructor. He would not let me qualify because</p> <p>15 he said I didn't look -- look well.</p> <p>16 Q Okay.</p> <p>17 A So, I didn't -- I didn't qualify in March.</p> <p>18 Q I see. Did you shoot at all in March?</p> <p>19 A I didn't shoot. I didn't shoot at all in March.</p> <p>20 Q I see. Okay. So, then in July of '18 that's</p> <p>21 when you did attempt to qualify and you also</p> <p>22 were shooting on your own practice rounds;</p> <p>23 right?</p> <p>24 A Yes.</p> <p>25 Q Okay. I understand. And, then in October and</p>
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<p>1 shooting during those practice sessions?</p> <p>2 A I shot my own ammo.</p> <p>3 Q Okay. Do you know about how many rounds you</p> <p>4 shot?</p> <p>5 A I practiced as if I was qualifying, so I did 60</p> <p>6 rounds.</p> <p>7 Q 60 rounds. And, you said -- I'm just trying to</p> <p>8 understand. You said you did that for a couple</p> <p>9 of weeks. So, I'm not sure how many times a</p> <p>10 week you were doing that. Do you have kind of a</p> <p>11 general idea how many trips you took for</p> <p>12 practice?</p> <p>13 A Usually I would go out on a Tuesday and a</p> <p>14 Friday, and I spent my time on Saturday, also,</p> <p>15 on my time at the range.</p> <p>16 Q Okay. So, that would be like three times a</p> <p>17 week?</p> <p>18 A Three times a week, roughly.</p> <p>19 Q Roughly. And, about how many weeks do you think</p> <p>20 you did that?</p> <p>21 A Maybe three weeks in July and a few -- few --</p> <p>22 maybe two weeks in October.</p> <p>23 Q Okay. And then, before you would actually</p> <p>24 qualify or attempt to qualify at the range, did</p> <p>25 you do some practice rounds before the actual</p>	<p>1 November -- you said in October or November of</p> <p>2 '18 you attempted to qualify as well; correct?</p> <p>3 A In October I was -- I went to practice, but in</p> <p>4 November I attempted to qualify.</p> <p>5 Q I see. And, then you had some practice on your</p> <p>6 own in July?</p> <p>7 A October.</p> <p>8 Q And October. Any other that months you can</p> <p>9 think of?</p> <p>10 A I can't remember any other month, sir.</p> <p>11 Q Okay. That's okay. All right. So, that</p> <p>12 happens. You were unable to qualify. At some</p> <p>13 point did you -- were you moved from being a</p> <p>14 bailiff to another position?</p> <p>15 A Yes, I was.</p> <p>16 Q Tell me about that. How did that happen?</p> <p>17 A I was moved from bailiff and assigned to</p> <p>18 Detention Center 3.</p> <p>19 Q Detention Center 3, okay. And what were you</p> <p>20 assigned to do in Detention Center 3? What was</p> <p>21 your job duty when you got transferred?</p> <p>22 A I was, according to the letter, I was assigned</p> <p>23 as a corrections.</p> <p>24 Q Corrections officer?</p> <p>25 A Corrections officer.</p>

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<p>1 Q Same position that you had done back in 1998 to</p> <p>2 2008?</p> <p>3 A Yes, sir.</p> <p>4 Q Working 12-hour shifts in the jail?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. So, tell me why was it that you were</p> <p>7 transferred from bailiff to DC-3?</p> <p>8 MR. LANSER:</p> <p>9 I'm going to object. That calls for</p> <p>10 speculation, but you can go ahead and answer,</p> <p>11 Mr. McKinney.</p> <p>12 A I was told I was transferred from bailiff to</p> <p>13 Detention Center 3 because I did not qualify</p> <p>14 with my weapon.</p> <p>15 Q Okay. So, let me explore that a little bit.</p> <p>16 You have to have a weapon to be in courtroom</p> <p>17 security; right?</p> <p>18 A Yes, sir.</p> <p>19 Q And, in order to have a weapon you have to be</p> <p>20 POST certified with that weapon; right?</p> <p>21 A Yes, sir.</p> <p>22 Q And, you weren't POST certified with that weapon</p> <p>23 as of March of 2018 because you couldn't</p> <p>24 qualify; correct?</p> <p>25 A I was still -- I was still -- I was still</p>	<p>1 A I'm trying to remember his name, sir.</p> <p>2 Q Okay.</p> <p>3 A Lieutenant Nichols, Lieutenant Nichols.</p> <p>4 Q Okay.</p> <p>5 A And, I reported to Sergeant Floyd. My sergeant</p> <p>6 was named Floyd.</p> <p>7 Q Sergeant Floyd?</p> <p>8 A Floyd. I'm trying to speak -- speak as clearly</p> <p>9 as possible to you.</p> <p>10 Q That's great. Thank you. All right. What</p> <p>11 about Batiste; did you report to him that day?</p> <p>12 A No. I did not report to Warden Batiste on the</p> <p>13 first day I was there.</p> <p>14 Q When you started working that first day were you</p> <p>15 having difficulties doing the job?</p> <p>16 A I was still recovering from a stroke, sir.</p> <p>17 Q Okay. So, tell me a little bit about what they</p> <p>18 had you doing that first day and what</p> <p>19 difficulties you were having.</p> <p>20 A On the first day I reported to work my</p> <p>21 lieutenant, Lieutenant Nichols, and Sergeant</p> <p>22 Floyd, they sat me down and I -- and they said</p> <p>23 we know your situation and you're going to work</p> <p>24 in the control center with me for the day.</p> <p>25 Q And, did you work 12 hours that day?</p>
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<p>1 certified with my weapon in March until I went</p> <p>2 back to requalify.</p> <p>3 Q Right. But, you never did requalify; right?</p> <p>4 A No, sir, I did not.</p> <p>5 Q All right. So, what I'm getting at is when you</p> <p>6 were transferred in November of 2018 to DC-3 you</p> <p>7 weren't qualified with your weapon anymore.</p> <p>8 A No, sir, I was not.</p> <p>9 Q Okay. And, that's what they told you, that you</p> <p>10 had to be transferred somewhere else because you</p> <p>11 weren't qualified with your weapon?</p> <p>12 A That's what I was told, sir.</p> <p>13 Q Who told you that?</p> <p>14 A I received a letter from my supervisor, and I</p> <p>15 was told that I was being transferred because I</p> <p>16 did not qualify.</p> <p>17 Q I see. And, we'll get to some of those letters.</p> <p>18 I think I have those and we'll go through them.</p> <p>19 All right. So, tell me this now. When you go</p> <p>20 to be transferred to DC-3, right, as a</p> <p>21 corrections officer, what did you do? Like day</p> <p>22 one when you got there, what was your position?</p> <p>23 What did you do that day?</p> <p>24 A I reported to my lieutenant.</p> <p>25 Q And, who was that?</p>	<p>1 A Yes, sir, I did.</p> <p>2 Q Okay. What kind of difficulties, if any, were</p> <p>3 you having that first day?</p> <p>4 A I was having difficulties to the fact that I was</p> <p>5 -- I was trying to figure out why I was</p> <p>6 transferred.</p> <p>7 Q Were you having difficulties doing the job that</p> <p>8 first day in corrections?</p> <p>9 A If you're asking me did I do the job involving</p> <p>10 inmates on the first day, the answer is no.</p> <p>11 Q Okay. Did you do the job?</p> <p>12 A I was --</p> <p>13 Q Go ahead. I'm sorry to interrupt you.</p> <p>14 A I was -- I was put in the control center with</p> <p>15 the lieutenant and the sergeant.</p> <p>16 Q Okay. So, that was my question. Did you have</p> <p>17 any difficulties on that first day performing</p> <p>18 the job?</p> <p>19 A No, sir.</p> <p>20 Q Okay. So, at some point did you then start at a</p> <p>21 later date did you have a problem performing the</p> <p>22 job in DC-3?</p> <p>23 A Again, I was not involved with any inmates.</p> <p>24 Q Okay. So --</p> <p>25 A So, I was -- I was in the control center with</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q I'm correct, all right. All right. But, you do</p> <p>2 believe you could have worked eight hours in the</p> <p>3 kitchen; correct?</p> <p>4 A Yes. I could have worked eight hours.</p> <p>5 Q Okay. And, let me -- let me ask you this, too.</p> <p>6 So, going back to corrections, we talked about,</p> <p>7 you know, the eight and 12-hour issue. But,</p> <p>8 also, in corrections, to make sure I understand,</p> <p>9 the doctor and you also believed you couldn't</p> <p>10 work in corrections because you couldn't be</p> <p>11 around loud noises, which is part of working in</p> <p>12 corrections. Is that true?</p> <p>13 A It's somewhat true.</p> <p>14 Q Okay. Go ahead.</p> <p>15 A Keep in mind all of corrections is not dealing</p> <p>16 directly with the inmates. There is some</p> <p>17 positions in corrections that is intake,</p> <p>18 discharge, administration, commissary, to name a</p> <p>19 few.</p> <p>20 Q I understand. But, what you were assigned to</p> <p>21 was in corrections working the 12-hour shifts</p> <p>22 which would have been eventually dealing with</p> <p>23 inmates.</p> <p>24 A That's correct.</p> <p>25 Q All right. And, when you're dealing with that I</p>	<p style="text-align: right;">Page 48</p> <p>1 would have had you working in corrections?</p> <p>2 A It would have -- it would have been a danger to</p> <p>3 me.</p> <p>4 Q Do you think it would have been a danger to the</p> <p>5 inmates, too, or just to you?</p> <p>6 A I feel that it would be dangerous to both</p> <p>7 because, if I had a medical condition, I</p> <p>8 couldn't help an inmate if he get in a fight.</p> <p>9 Q Right.</p> <p>10 A So, but it would have been a danger to both of</p> <p>11 us.</p> <p>12 Q I understand.</p> <p>13 A Based on my medical condition.</p> <p>14 Q Got it. You just wouldn't be able to perform</p> <p>15 those duties that would have been required as a</p> <p>16 correctional officer because of your medical</p> <p>17 condition.</p> <p>18 A Yes, sir.</p> <p>19 MR. LANSE:</p> <p>20 I'm going to object to the extent that</p> <p>21 there is a legal conclusion, but go ahead and</p> <p>22 answer, Mr. McKinney.</p> <p>23 A I feel like that is correct.</p> <p>24 Q Okay. And, that's regardless whether you're in</p> <p>25 there eight hours or 12 hours, because of your</p>
<p style="text-align: right;">Page 47</p> <p>1 think you told me before there's loud noises</p> <p>2 involved.</p> <p>3 A That's correct.</p> <p>4 Q And, you can't really stop that; right? I mean,</p> <p>5 you're walking down there and they're not going</p> <p>6 to be quiet if you tell them to be quiet; right?</p> <p>7 A Ain't no way possible they're going to be quiet.</p> <p>8 Q I understand. All right. So, that's not</p> <p>9 something we can remove. If you're dealing with</p> <p>10 that, you're going to deal with the inmates and</p> <p>11 that's going to be loud.</p> <p>12 A That's correct.</p> <p>13 Q All right. So, let me ask you this. Talking</p> <p>14 about working in corrections, okay. If you're</p> <p>15 back where they had assigned you in in DC-3 in</p> <p>16 2018, do you think it would have been dangerous</p> <p>17 for you to work in corrections?</p> <p>18 A With my medical conditions, yes.</p> <p>19 Q Okay. So, my next question, do you think it</p> <p>20 would have been dangerous for you -- for the</p> <p>21 inmates if you were to work in corrections?</p> <p>22 And, I'll give you an example. For example, if</p> <p>23 they are getting into a fight and you have to go</p> <p>24 and stop it and so forth, do you think that</p> <p>25 would have been a danger to the inmates if they</p>	<p style="text-align: right;">Page 49</p> <p>1 medical condition, you can't work in that</p> <p>2 situation.</p> <p>3 A It should be a 12-hour situation because I was</p> <p>4 assigned for a 12-hour shift.</p> <p>5 Q That's fair. All right. Now, let's talk about</p> <p>6 you didn't go -- you sent in your letters or --</p> <p>7 or -- that's a bad question -- You called in and</p> <p>8 told them you couldn't work because of your</p> <p>9 doctor's note and so forth. And, I'm assuming</p> <p>10 you never did go back in and work for the</p> <p>11 Sheriff's Office. Is that correct?</p> <p>12 A That is correct, sir.</p> <p>13 Q Okay. And, I know there's some letters that you</p> <p>14 have put together that you had sent over to the</p> <p>15 Sheriff's Office. Here's my question. What did</p> <p>16 you want the Sheriff's Office to do? Like, in</p> <p>17 other words, you can't work in corrections.</p> <p>18 What did you want them to do for you?</p> <p>19 A I -- I -- I would have liked to have had the</p> <p>20 opportunity to recover from my stroke and for</p> <p>21 the Rapides Parish Sheriff's Department to find</p> <p>22 me another job or leave me where I was until I</p> <p>23 get a chance to qualify with my weapon. That's</p> <p>24 all I was asking.</p> <p>25 Q Okay. So, let me just make sure I understand.</p>



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<p>1 <b>Sheriff's Department before; correct?</b></p> <p>2 A No, sir.</p> <p>3 <b>Q You had never worked in the kitchen of Rapides</b></p> <p>4 <b>Parish before you got transferred there;</b></p> <p>5 <b>correct?</b></p> <p>6 A No, sir.</p> <p>7 <b>Q But, you had worked in corrections for ten years</b></p> <p>8 <b>before that; correct?</b></p> <p>9 A Yes, sir.</p> <p>10 <b>Q Okay. And then the firing range, had you ever</b></p> <p>11 <b>worked at a firing range before?</b></p> <p>12 A No, sir.</p> <p>13 <b>Q How could you work in the firing range if you</b></p> <p>14 <b>were hypersensitive to loud noises?</b></p> <p>15 A Understand the firing range is not -- Well, you</p> <p>16 should know this. It's not all -- all firing</p> <p>17 every day on the range.</p> <p>18 <b>Q Okay.</b></p> <p>19 A There is office work involved, also, office</p> <p>20 environments, keeping records.</p> <p>21 <b>Q Let me ask you this. You mentioned that you</b></p> <p>22 <b>were having difficulty with loud noises. When</b></p> <p>23 <b>did that start after your stroke?</b></p> <p>24 A It started after I had my stroke.</p> <p>25 <b>Q Okay. So --</b></p>	<p>1 A I was -- I was -- I went to the range in March,</p> <p>2 but I was not allowed to shoot my weapon because</p> <p>3 I had -- was still recovering from my stroke.</p> <p>4 It wasn't safe.</p> <p>5 <b>Q Right.</b></p> <p>6 A So, therefore, I was -- went back in July.</p> <p>7 <b>Q Right. But you've got to recertify every year;</b></p> <p>8 <b>right?</b></p> <p>9 A Right. Recertification is for every year. You</p> <p>10 are correct.</p> <p>11 <b>Q Right. And so, according to what I understand,</b></p> <p>12 <b>your recertification was suppose to be in March</b></p> <p>13 <b>of 2018. That was your deadline to get</b></p> <p>14 <b>recertified; right?</b></p> <p>15 A It should have been March of 2018. You are</p> <p>16 correct.</p> <p>17 <b>Q Got it. And, you got state supplemental pay in</b></p> <p>18 <b>April of 2018; right?</b></p> <p>19 A I don't know. I don't know for sure.</p> <p>20 <b>Q You are not suppose to get state supplemental</b></p> <p>21 <b>pay if your -- if your firearm certification is</b></p> <p>22 <b>expired; correct?</b></p> <p>23 A I can't answer that because I don't really know.</p> <p>24 <b>Q Do you think you can get -- just make sure we're</b></p> <p>25 <b>clear on the record here. So, a law enforcement</b></p>
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<p>1 A When I had my stroke.</p> <p>2 <b>Q Let me ask you this. How were you able -- if</b></p> <p>3 <b>you have a hypersensitivity to loud noises, how</b></p> <p>4 <b>was it that you were able to go to the shooting</b></p> <p>5 <b>range and shoot?</b></p> <p>6 A I had no choice.</p> <p>7 <b>Q What do you mean?</b></p> <p>8 A I had to go shoot or lose my pay, my state pay.</p> <p>9 <b>Q You would lose your state supplemental pay if</b></p> <p>10 <b>you're not POST certified; right?</b></p> <p>11 A For some people.</p> <p>12 <b>Q But, I mean, that's for everybody; right? I</b></p> <p>13 <b>mean, that's how it works.</b></p> <p>14 A Well --</p> <p>15 <b>Q Did you lose your state supplemental pay?</b></p> <p>16 A I -- I lost -- I lost -- I lost -- I lost some</p> <p>17 pay.</p> <p>18 <b>Q When did your state supplemental pay stop?</b></p> <p>19 A If I'm not mistaken, it stopped in the latter</p> <p>20 part of -- latter part of the last part of</p> <p>21 November, I believe, if I'm not mistaken.</p> <p>22 <b>Q Okay. So, you were due to be recertified. In</b></p> <p>23 <b>other words, you had to recertify by March of</b></p> <p>24 <b>2018; right? That's when your certification</b></p> <p>25 <b>with your firearm expired, March of 2018; true?</b></p>	<p>1 <b>officer for 20 years, do you believe that you</b></p> <p>2 <b>can get state supplemental pay if you are not</b></p> <p>3 <b>certified with your firearm?</b></p> <p>4 A My -- my -- my opinion, I should not get state</p> <p>5 supplemented pay if I'm not certified with my</p> <p>6 weapon, but there's stipulations to everything.</p> <p>7 <b>Q Okay. Did you ever return -- I'm sorry.</b></p> <p>8 A Go ahead.</p> <p>9 <b>Q Did you ever receive state supplemental pay that</b></p> <p>10 <b>you returned to the state because you were not</b></p> <p>11 <b>qualified with your firearm?</b></p> <p>12 A I don't -- I don't recall ever receiving state</p> <p>13 supplemented pay that I was not entitled to.</p> <p>14 <b>Q Okay. You would agree with me, if you received</b></p> <p>15 <b>state supplemental pay in April of 2018, that</b></p> <p>16 <b>you should not have received that; right?</b></p> <p>17 A I can't agree with you because I don't know what</p> <p>18 time they stopped my supplemented pay.</p> <p>19 <b>Q Okay. Well, let me make it more broad or more</b></p> <p>20 <b>narrow, actually. If you received state</b></p> <p>21 <b>supplemental pay after March of 2018, it should</b></p> <p>22 <b>have been returned.</b></p> <p>23 A You are asking me if it should have been</p> <p>24 returned?</p> <p>25 <b>Q Yes, sir.</b></p>

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<p>1 A I don't know, sir. I don't know what -- what</p> <p>2 the finance instructor -- firearm instructor,</p> <p>3 what he or she did in reference to my state pay.</p> <p>4 <b>Q But you knew as of -- Go ahead.</b></p> <p>5 A I'm finished.</p> <p>6 <b>Q Okay, yeah. I'm just trying to make sure I</b></p> <p>7 <b>understand. You knew as of May of 2018 you</b></p> <p>8 <b>weren't certified with a firearm.</b></p> <p>9 A Yes. I knew I wasn't -- I hadn't -- yes, I knew</p> <p>10 I hadn't qualified with my weapon, but I was in</p> <p>11 the process, still in the process of trying to</p> <p>12 qualify with my weapon.</p> <p>13 <b>Q Anybody ever tell you -- well, let me ask you</b></p> <p>14 <b>this. Is it your belief that if you don't --</b></p> <p>15 <b>you're not certified, but you're trying to</b></p> <p>16 <b>certify that you can still collect supplemental</b></p> <p>17 <b>pay?</b></p> <p>18 A Can you repeat the question, sir?</p> <p>19 <b>Q Yeah. So, is it your belief that, if your</b></p> <p>20 <b>certification ends but you're trying to</b></p> <p>21 <b>recertify, you can still collect your state</b></p> <p>22 <b>supplemental pay while you are trying to</b></p> <p>23 <b>recertify?</b></p> <p>24 MR. LANSEER:</p> <p>25 I'm going to object to a legal</p>	<p>1 <b>Q Okay. And, you agree with me that you were</b></p> <p>2 <b>being paid for 12 hours on each of those days</b></p> <p>3 <b>even though you worked eight hours on some of</b></p> <p>4 <b>those days; true?</b></p> <p>5 A Like I say, sir, I didn't deal with my time</p> <p>6 sheet. I don't know what the secretary or the</p> <p>7 timekeeper put on my time sheet for those days.</p> <p>8 <b>Q But, let me ask you this. When you got your</b></p> <p>9 <b>paycheck did you look at your paycheck to see</b></p> <p>10 <b>how much it was for?</b></p> <p>11 A Probably not, because I figured it was the same</p> <p>12 as always.</p> <p>13 <b>Q Okay. But you knew that you were working less</b></p> <p>14 <b>hours than a full 12-hour shift. So, it didn't</b></p> <p>15 <b>dawn on you that, hey, look, I'm getting</b></p> <p>16 <b>overpaid here because I'm getting paid 12-hour</b></p> <p>17 <b>days and I'm only working 8-hour days?</b></p> <p>18 A No disrespect to you, sir. I don't do my time</p> <p>19 sheets. I don't know what it was recorded on my</p> <p>20 time sheet, either eight or 12. I don't know.</p> <p>21 <b>Q But, you would agree with me, if you were</b></p> <p>22 <b>working eight, you shouldn't get paid for 12;</b></p> <p>23 <b>right?</b></p> <p>24 MR. LANSEER:</p> <p>25 I'm going to object to the relevance</p>
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<p>1 conclusion, but go ahead.</p> <p>2 A No one never told -- no one ever told me or</p> <p>3 anyone else that I couldn't.</p> <p>4 <b>Q When you were working in the jail in the kitchen</b></p> <p>5 <b>those 8-hour days, do you remember when we</b></p> <p>6 <b>talked about that?</b></p> <p>7 A Yes, sir.</p> <p>8 <b>Q What were you putting on your time sheet? How</b></p> <p>9 <b>many hours a day?</b></p> <p>10 A I don't control my time sheet, sir.</p> <p>11 <b>Q How many hours a day were you getting paid for?</b></p> <p>12 A I don't control my time sheet, sir.</p> <p>13 <b>Q Okay. But, how many hours a day were you</b></p> <p>14 <b>getting paid for?</b></p> <p>15 A I don't mean to be disrespectful, sir, but I</p> <p>16 don't -- I don't -- I didn't see my time sheet,</p> <p>17 so I don't know what the time sheet was being</p> <p>18 recorded as me working.</p> <p>19 <b>Q You never initialed your time sheets?</b></p> <p>20 A I never -- I never initialed my time sheet at</p> <p>21 DC-3 that I can remember initialing them.</p> <p>22 <b>Q All right. We'll go through that in a little</b></p> <p>23 <b>bit. You saw your paycheck though; right?</b></p> <p>24 A I saw my -- I saw my paycheck for the month of</p> <p>25 November.</p>	<p>1 and for legal conclusion.</p> <p>2 <b>Q You can answer.</b></p> <p>3 A I don't know what my timekeeper put on my time</p> <p>4 sheet for the days I worked.</p> <p>5 <b>Q Okay. Let me just make sure I understand. You</b></p> <p>6 <b>knew how many hours you worked each day.</b></p> <p>7 A Yes, sir. Yes, sir. I know I worked eight</p> <p>8 hours; but, again, I don't know what the</p> <p>9 timekeeper put on the time sheet.</p> <p>10 <b>Q I just want to make sure I understand. Under</b></p> <p>11 <b>oath you're telling me that when you got your</b></p> <p>12 <b>paystub and you looked at that amount, right,</b></p> <p>13 <b>that shows 12 hours every day that you never</b></p> <p>14 <b>realized that you were getting overpaid?</b></p> <p>15 A Like I say, I don't know what the timekeeper put</p> <p>16 on my time sheet.</p> <p>17 <b>Q You did see your check. I just want to make</b></p> <p>18 <b>sure you saw your check.</b></p> <p>19 A My check is direct deposit to my bank.</p> <p>20 <b>Q You know how much was deposited in your bank</b></p> <p>21 <b>account; right?</b></p> <p>22 A It's been awhile ago, so I -- I don't know.</p> <p>23 <b>Q You never looked at it?</b></p> <p>24 A I can't recall if I looked at it or not, sir.</p> <p>25 <b>Q All right. Let's talk about the range when you</b></p>



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<p>1 were indicating that you were wanting to try to</p> <p>2 qualify a couple of times. Did your doctor ever</p> <p>3 prohibit you from firing your firearm?</p> <p>4 A I believe back in July the doctor had indicated</p> <p>5 that I should not try to shoot my weapon because</p> <p>6 my hand was weak and the noise level. So, I</p> <p>7 think back in July.</p> <p>8 Q But, nevertheless, you did go and attempt to</p> <p>9 requalify with your weapon.</p> <p>10 A Like I said before to you, sir, I had to try to</p> <p>11 qualify or lose my pay.</p> <p>12 Q Okay.</p> <p>13 A And, to me, it was important to keep my pay to</p> <p>14 support my family.</p> <p>15 Q You're talking about state supplemental pay when</p> <p>16 you say --</p> <p>17 A The supplemented pay, yes.</p> <p>18 Q All right. Did you ever tell your doctor that</p> <p>19 you were shooting despite his recommendation</p> <p>20 that you not shoot?</p> <p>21 A He signed the paperwork that I shouldn't shoot.</p> <p>22 Q He signed paperwork saying you should shoot?</p> <p>23 A Should not. Should not. Should not.</p> <p>24 Q Should not shoot?</p> <p>25 A Should not shoot my pistol.</p>	<p>1 at the range multiple times around loud noises;</p> <p>2 right?</p> <p>3 A With earplugs on and earplugs in my ears.</p> <p>4 Q I understand. But, even with earplugs in your</p> <p>5 ears it's still noisy.</p> <p>6 A I guess you can say that.</p> <p>7 Q Yeah. So, why did you have the doctor writing</p> <p>8 you a letter saying you can't be around loud</p> <p>9 noises when, in fact, you had been around loud</p> <p>10 noises?</p> <p>11 A I didn't have the doctor write -- His diagnosis</p> <p>12 indicated I couldn't be around loud noises. So,</p> <p>13 he wrote the letter on my behalf to let them</p> <p>14 know about the loud noises.</p> <p>15 Q But, that's based on what you were telling him;</p> <p>16 right?</p> <p>17 A That's based on what he determined when he</p> <p>18 examined me.</p> <p>19 Q Well, I thought you had an ear test done; right?</p> <p>20 A I can't recall if I had an ear test or not.</p> <p>21 Q Do you ever recall any test saying that there</p> <p>22 was an objective finding that you had any kind</p> <p>23 of sensitivity to loud noises?</p> <p>24 A I can't recall, sir.</p> <p>25 Q How can the doctor determine or, according to</p>
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<p>1 Q Right. So, here is what I'm trying to</p> <p>2 understand. He signs the paperwork in July, and</p> <p>3 then you go and try to qualify and you're</p> <p>4 shooting the weapon despite his recommendation.</p> <p>5 Did you ever go back in and say, hey, look, Doc,</p> <p>6 I know you told me I shouldn't be shooting</p> <p>7 weapons because I have strength issues and it's</p> <p>8 noisy, but I've been doing it anyway. Did you</p> <p>9 ever tell him that?</p> <p>10 A No, sir, I did not tell my doctor.</p> <p>11 Q Why not?</p> <p>12 A I felt like he would have told me not to. So, I</p> <p>13 said I was trying to do what the department</p> <p>14 asked me to do to qualify. So, I didn't bother</p> <p>15 to tell my doctor about I was trying to qualify.</p> <p>16 Q Well, don't you think it's important to be</p> <p>17 honest with your doctor?</p> <p>18 A I think it's very, very important to be honest</p> <p>19 with my doctor.</p> <p>20 Q So, you had a letter in November where the</p> <p>21 doctor writes that you can't be around loud</p> <p>22 noises, the one you told me about before, right,</p> <p>23 that you showed to Warden Batiste?</p> <p>24 A Yes.</p> <p>25 Q All right. But, in fact, you had been shooting</p>	<p>1 you, how did the doctor determine you were</p> <p>2 sensitive to loud noises other than what you</p> <p>3 told him?</p> <p>4 MR. LANSER:</p> <p>5 Objection to speculation, but go ahead.</p> <p>6 A Can you repeat the question?</p> <p>7 Q Yeah. How did the doctor determine you were</p> <p>8 sensitive to loud noises?</p> <p>9 MR. LANSER:</p> <p>10 Same objection, but you can answer as</p> <p>11 best as you know, Mr. McKinney.</p> <p>12 A I guess based -- based on his knowledge as a</p> <p>13 doctor.</p> <p>14 Q Based on did he do any tests to determine if you</p> <p>15 were sensitive to loud noises?</p> <p>16 A I had some tests done, but I can't recall what</p> <p>17 they were, sir.</p> <p>18 Q You told the doctor you were sensitive to loud</p> <p>19 noises; true?</p> <p>20 A No, sir.</p> <p>21 Q You never told them that?</p> <p>22 A I don't recall ever having that conversation</p> <p>23 with the doctor.</p> <p>24 Q All right. I just want to make sure I</p> <p>25 understand because I'm going to depose him on</p>

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<p>1 Wednesday.</p> <p>2 A Yes.</p> <p>3 Q Okay. Just to make sure I understand, your</p> <p>4 understanding is he determined you were</p> <p>5 sensitive to loud noises and you never told him</p> <p>6 that ever?</p> <p>7 A I don't recall ever telling my doctor about loud</p> <p>8 noises.</p> <p>9 Q Okay. Let's talk a little bit about some</p> <p>10 documents. The first thing is going to be</p> <p>11 Exhibit 1. David, this is the complaint. I'm</p> <p>12 going to see if we can get Wes to pull it up.</p> <p>13 While he's doing that, Mr. McKinney, what's a</p> <p>14 rover? You ever heard that term before, rover?</p> <p>15 A Rover?</p> <p>16 Q Yes, sir.</p> <p>17 A A rover in --</p> <p>18 Q In corrections, the term rover.</p> <p>19 A That's a person that moves -- moves from -- that</p> <p>20 is a person in the -- in the -- in the jail</p> <p>21 setting that moves from zone to zone or help out</p> <p>22 in the front office.</p> <p>23 Q Okay. So, what I -- have you -- I'm assuming</p> <p>24 you've seen this before, right, Mr. McKinney?</p> <p>25 It's your lawsuit.</p>	<p>1 etcetera. It's actually right here in front of</p> <p>2 you, Paragraph 19. Do you agree with kind of</p> <p>3 what you have there in your complaint?</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. And, once you did advise -- you know, we</p> <p>6 talked about that letter that you had from your</p> <p>7 doctor about how you couldn't work the 12 hours</p> <p>8 and you were sensitive to noises. When you</p> <p>9 brought that to the warden, they did have a</p> <p>10 discussion with you; did they not?</p> <p>11 A Warden -- Warden Batiste is the only person that</p> <p>12 talked to me about my situation, the only</p> <p>13 person.</p> <p>14 Q But, he did have a conversation with you?</p> <p>15 A Warden Batiste is the only person that talked to</p> <p>16 me about my situation.</p> <p>17 Q Did you know Batiste before you got transferred?</p> <p>18 A I had known Warden Batiste since 1988.</p> <p>19 Q Okay. Did you guys hang out together socially?</p> <p>20 A No, sir.</p> <p>21 Q Do you know if he has a lawsuit against the</p> <p>22 Sheriff's Office?</p> <p>23 A I don't know anything of Warden Batiste's</p> <p>24 personal business.</p> <p>25 Q When is the last time you spoke to Warden</p>
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<p>1 A Yes, sir.</p> <p>2 Q All right. Go down. Wes, go down a little bit.</p> <p>3 I want to go to No. 2 real quick. Right there.</p> <p>4 Do you see on No. 2 it says, "When Deputy</p> <p>5 McKinney returned to work after his stroke in</p> <p>6 February of 2018 he resumed his previous</p> <p>7 position working 8-hour shifts stationed at the</p> <p>8 metal detectors at the courthouse, a job he</p> <p>9 could do with his health restrictions." But,</p> <p>10 this is the one in the second sentence, "But, on</p> <p>11 November 8th, 2018, Deputy McKinney was</p> <p>12 transferred to a corrections officer position in</p> <p>13 a detention facility with 12-hour shifts." Is</p> <p>14 that correct?</p> <p>15 A Yes, sir.</p> <p>16 Q Okay. Just making sure. The, uh -- Let me ask</p> <p>17 you something else. The Sheriff's Office, they</p> <p>18 have a policy and procedure manual; do they not?</p> <p>19 A To the best of my knowledge they have a -- they</p> <p>20 have one.</p> <p>21 Q Okay. And, in that they do indicate -- I mean,</p> <p>22 I can show it to you. It's Paragraph 19. But,</p> <p>23 they do indicate that they don't discriminate in</p> <p>24 the hiring or employment based on race, color,</p> <p>25 religious creed, national origin, disability,</p>	<p>1 Batiste?</p> <p>2 A It's been some months ago.</p> <p>3 Q Okay. Let me ask you this. When you were able</p> <p>4 to return to work did you get a doctor's slip in</p> <p>5 February of '18 after your stroke indicating you</p> <p>6 could return to work?</p> <p>7 A Yes, I did, sir.</p> <p>8 Q Okay. Let's pull up Exhibit 2, please. David,</p> <p>9 this is the, uh -- from the doctor records. Can</p> <p>10 you see that? Look at the one on the right. Do</p> <p>11 you see 2/27/18 patient can go back to work?</p> <p>12 A Yes, sir.</p> <p>13 Q So, you did get that return-to-work slip from</p> <p>14 the doctor; right?</p> <p>15 A Yes, I did, sir.</p> <p>16 Q And, you provided it to your employer and you</p> <p>17 went back to work as a bailiff; right?</p> <p>18 A Yes, I did, sir.</p> <p>19 Q All right. The one on the left though, the</p> <p>20 7/31/18, that's the one I was referring to</p> <p>21 earlier where it says, "Patient is not allowed</p> <p>22 to shoot a gun." Did you see that?</p> <p>23 A Yes, sir.</p> <p>24 Q Did you give that to anybody at the Sheriff's</p> <p>25 Office?</p>

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<p>1 A Yes, sir. I did, sir.</p> <p>2 Q Who did you give it to?</p> <p>3 A Captain Michael Jones.</p> <p>4 Q Who is that?</p> <p>5 A He was my supervisor in charge of bailiffs.</p> <p>6 Q In charge of bailiffs?</p> <p>7 A Yes, he was.</p> <p>8 Q Did you give it to anybody at the shooting range</p> <p>9 when you were over there shooting weapons?</p> <p>10 A No, sir, I did not.</p> <p>11 Q Do you think that it was dangerous for you to be</p> <p>12 shooting weapons when the doctor said you're not</p> <p>13 allowed to shoot?</p> <p>14 A Like I stated before, sir, to you, no disrespect</p> <p>15 to you, like I stated before, I was trying to</p> <p>16 qualify to keep my state pay to help my family's</p> <p>17 financial situation.</p> <p>18 Q But, don't you think, Mr. McKinney, that if</p> <p>19 you're doing that outside of doctor's order</p> <p>20 that's dangerous to yourself?</p> <p>21 A I was -- I -- I -- Like I say again, sir, I was</p> <p>22 doing it to help my family.</p> <p>23 Q You have to answer my question though. It's</p> <p>24 kind of a yes or no, and I don't mean any</p> <p>25 disrespect. I just need to get a yes or no</p>	<p>1 A I'm not sure, sir, what I was earning.</p> <p>2 Q Okay. So, here's what I need to understand. As</p> <p>3 part of the lawsuit, are you claiming that you</p> <p>4 are losing any wages because you've been</p> <p>5 terminated?</p> <p>6 A Yes. I'm losing wages.</p> <p>7 Q Okay. That's what I need to know. Okay. So,</p> <p>8 let's go through that. What wages are you</p> <p>9 losing?</p> <p>10 A I'm losing my -- if I was not terminated, I</p> <p>11 would still be working.</p> <p>12 Q Okay. And, that's what I need to know. How</p> <p>13 much were you earning?</p> <p>14 A I can't calculate the numbers in my head right</p> <p>15 now, so I don't know. You must understand I</p> <p>16 have had a stroke.</p> <p>17 Q Look, I understand.</p> <p>18 A And as of a result of my stroke, I'm not the</p> <p>19 sharpest pencil in the classroom right now.</p> <p>20 Q I understand.</p> <p>21 A So, you're asking me some questions. I'm doing</p> <p>22 the best I can to answer your questions, but --</p> <p>23 Q I appreciate it. It's just, if we get to trial</p> <p>24 -- Go ahead. I'm sorry. I didn't mean to</p> <p>25 interrupt you, Mr. McKinney. You want to take</p>
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<p>1 answer. Do you believe that was dangerous to</p> <p>2 yourself?</p> <p>3 A Yes, probably so.</p> <p>4 Q Do you believe it was dangerous to the other</p> <p>5 people who were shooting at the range?</p> <p>6 A Yes, probably so.</p> <p>7 Q Okay. The next thing is an unemployment. I</p> <p>8 just want to kind of touch on this briefly.</p> <p>9 This is Exhibit 3. You did apply for</p> <p>10 unemployment after your termination, I guess;</p> <p>11 right?</p> <p>12 A Yes, sir.</p> <p>13 Q Just tell me where that left off. Did you</p> <p>14 ultimately receive unemployment?</p> <p>15 A I did, sir.</p> <p>16 Q Okay. And, how long did that last?</p> <p>17 A I think it was -- well, if I'm -- if I'm</p> <p>18 correct, it lasted for one year, sir.</p> <p>19 Q Okay. So, do my math for me. You're not still</p> <p>20 on it; right?</p> <p>21 A Oh, no, no, not -- no, not at all.</p> <p>22 Q All right. So, tell me this. I want to kind of</p> <p>23 pump numbers on this briefly. When you were</p> <p>24 working, before you got terminated, what were</p> <p>25 you earning a year at the Sheriff's Office?</p>	<p>1 five, Mr. McKinney?</p> <p>2 A Yes.</p> <p>3 Q Let's take five, guys. Let's do a little</p> <p>4 five-minute water break, bathroom break. Just</p> <p>5 let us know when you're back on. Like I said,</p> <p>6 just don't talk to anybody in between. And,</p> <p>7 when you're ready, just take your time, and</p> <p>8 we'll go back on and try to wrap this thing up</p> <p>9 after we get through some more documents; okay?</p> <p>10 A Thank you, sir.</p> <p>11 Q Yes, sir.</p> <p>12 (Off the record at 11:43)</p> <p>13 (Back on the record at 11:50)</p> <p>14 BY MR. RICHARDSON:</p> <p>15 Q All right. So, what I was getting at,</p> <p>16 Mr. McKinney, is, if this thing does go to trial</p> <p>17 at some point and you're making a claim for</p> <p>18 wages, I'll need to know how that's calculated;</p> <p>19 right? Do you know what you were earning prior</p> <p>20 to your termination?</p> <p>21 A Well, if you're asking me, I know I'm not making</p> <p>22 the same money I was making before I was forced</p> <p>23 to retire.</p> <p>24 Q Do you have a problem with me getting your tax</p> <p>25 returns so I can see what you were earning prior</p>

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1	you had talked to the warden about, Batiste.	1	to you. Do you recall receiving this letter?
2	But, take a look and see if that's the same one	2 A	Oh, yes.
3	we were talking about before.	3 Q	Okay. How did you get the letter?
4 A	Yes. This is -- this is -- this is the letter.	4 A	Major Hollingsworth came over to Warden
5	I talked to Warden Batiste. And, if I'm not	5	Batiste's office. That's the first time I had
6	mistaken, this is also the letter I think that	6	met him.
7	Major Hollingsworth got a copy of this letter,	7 Q	Okay. And, so did you have a conversation with
8	also, I believe.	8	him?
9 Q	All right. And, let's -- Okay. The second	9 A	He walked in and said who he was, and I told him
10	paragraph it says, "Because of his neurological	10	who I was by name, and -- and he presented me
11	status he probably needs to work in an	11	with the letter.
12	administrative setting with no loud noises." Do	12 Q	Okay. And, did you tell him anything? Did you
13	you see that?	13	have any conversation with him, tell him that
14 A	I do.	14	you --
15 Q	Okay. Prior -- now, I'm talking about now.	15 A	I -- I read -- I read the letter.
16	This was November 27 of 2018. Prior to him	16 Q	Okay.
17	writing this letter, did you tell the doctor	17 A	He asked me did I have any questions. And, of
18	that you had been shooting your gun?	18	course, being honest with you, I was very upset
19 A	I can't recall.	19	that I had first met this person for the first
20 Q	Okay. What kind of gun did you have?	20	time and he's telling me to retire. I kept my
21 A	I had a Glock 22.	21	composure and said, "No, sir. I don't have any
22 Q	Okay.	22	questions." Because I know at the time, if I had
23 A	.40 cab.	23	to say something, it wouldn't be my -- I
24 Q	.40 Caliber?	24	wouldn't -- I wouldn't -- I wouldn't feel like I
25 A	Yes, sir.	25	needed to say anything right there, so I didn't.
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1 Q	What hearing protection were you hearing?	1	I just said, "No, sir."
2 A	Standard earplugs.	2 Q	All right. Let's go to No. 10. I don't think
3 Q	Standard earplugs?	3	we talked about this one yet, but it's a
4 A	Earmuffs, earmuffs.	4	December 5 letter. It looks like you wrote it
5 Q	Earmuffs?	5	to Alma Perkins. Go back up to the top so we
6 A	Yes.	6	can see it. Do you recall writing this letter?
7 Q	Ones that you owned or ones that the Sheriff's	7 A	Yes, sir. I -- I -- I sent that letter to the
8	Office supplied?	8	human resource office, which was -- is
9 A	Ones that I owned.	9	Ms. Perkins.
10 Q	Okay. Let's go to the next one, which is No. 9.	10 Q	Okay. Let's go through here. It says, "As a
11	Actually, before we do that, let me ask you	11	person with a disability under the Americans
12	something. Let's go back to that No. 9. Did	12	With Disability Act, I am requesting reasonable
13	you ask the doctor to write that letter for you,	13	accommodation to allow me to perform my job
14	the November 27, 2018 letter?	14	duties. I am currently taking medication for my
15 A	If I'm not mistaken, I had a -- I had an	15	disability and my doctor has placed me on
16	appointment with the doctor and he asked for an	16	various restrictions." Do you see that?
17	examination how was -- how was I progressing.	17 A	Yes, I do.
18 Q	Okay.	18 Q	Okay. What was your disability under the
19 A	And I --	19	Americans With Disabilities Act in November of
20 Q	Did you ask him --	20	2017?
21 A	I can't recall if I asked for a letter or not.	21	MR. LANSER:
22 Q	Okay. All right. Let's go to November 29,	22	Objection, legal conclusion, but go
23	2018. This would be Exhibit No. 9. I don't	23	ahead, Mr. McKinney.
24	know if we talked about this one before or not,	24 Q	Well, let me make it -- Let me rephrase that,
25	but it appears to be a letter from Hollingsworth	25	too, because I misspoke. What was your

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<p>1 disability as of November of 2018? So, a year</p> <p>2 after your stroke what was your disability?</p> <p>3 MR. LANSER:</p> <p>4 Same objection, but go on.</p> <p>5 A I was -- I was -- I was still having problems</p> <p>6 with weakness in my hand, probably carpal</p> <p>7 tunnel. I was still, as you have indicated here</p> <p>8 today, I was still having problems with my</p> <p>9 speech, and I was still having problems with the</p> <p>10 noise level and sensitivity. So, yes, that's</p> <p>11 what I was dealing with in 2018 November, and</p> <p>12 I'm dealing with that some today, also.</p> <p>13 Q But, let's go back to No. 8. Well, let me check</p> <p>14 real quick because when I look back at this</p> <p>15 letter of November it says at the top, "He is</p> <p>16 neurologically stable;" right? Do you see that in</p> <p>17 the first paragraph, third sentence?</p> <p>18 A Yes. I can -- I can see that, neuro --</p> <p>19 neurologically stable. I can see that.</p> <p>20 Q Okay. All right.</p> <p>21 A But, also he says -- it -- right -- right next</p> <p>22 to it he says, "He continues on his medication."</p> <p>23 Q No, I understand. I mean, the only thing I'm</p> <p>24 seeing in this letter of November 27 is no loud</p> <p>25 noises. "Because of his neurological status he</p>	<p>1 A I don't believe I had a disability in November</p> <p>2 of 2018, and I have a disability to this day</p> <p>3 from my stroke. (sic)</p> <p>4 Q Right. And, just to make sure I understand.</p> <p>5 What major life activity did it prevent you from</p> <p>6 doing?</p> <p>7 MR. LANSER:</p> <p>8 Objection as to legal conclusion. Go</p> <p>9 on, Mr. McKinney.</p> <p>10 A I could not qualify with my weapon for the</p> <p>11 Rapides Parish Sheriff's Department, and I have</p> <p>12 never missed qualifying in over 20-some years.</p> <p>13 So, I had a medical condition -- that that</p> <p>14 prohibited me from -- that prevented me from</p> <p>15 qualifying with my weapon, and I had done so</p> <p>16 every year through my employment.</p> <p>17 Q Okay. Then it says, "I would like to change my</p> <p>18 location and work schedule so that I can work</p> <p>19 eight hours per day and not the 12 hours I am</p> <p>20 currently assigned." Do you see that?</p> <p>21 A Yes, sir. I see that.</p> <p>22 Q Okay. So, here's my question. Why did you want</p> <p>23 to change your location?</p> <p>24 A So I could work eight hours based on my medical</p> <p>25 conditions.</p>
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<p>1 probably needs to work in administrative setting</p> <p>2 with no loud noises."</p> <p>3 A Okay. Are you also speaking --</p> <p>4 Q I'm trying to understand. Maybe I just didn't</p> <p>5 hear you correctly, and I'll -- Let me see if I</p> <p>6 can understand. In November of '18 I understand</p> <p>7 that you couldn't be around loud noises and you</p> <p>8 told me about speech, too. But, I don't see</p> <p>9 anything in the letter from your doctor saying</p> <p>10 anything about speech. Am I missing that or --</p> <p>11 A There's -- there's nothing in the -- in the</p> <p>12 doctor's letter about speech.</p> <p>13 Q All right. So, what -- going back to November</p> <p>14 of '18, what were your disabilities then?</p> <p>15 A But, if you -- if you need me to get a letter</p> <p>16 for my speech, I can do that also for your --</p> <p>17 for your record.</p> <p>18 Q Yeah. I'm going to talk to the doctor on</p> <p>19 Wednesday, but I just wanted to know what you</p> <p>20 recall. In other words, go back to No. 10, I'm</p> <p>21 sorry. Going back to No. 10 it says, "As a</p> <p>22 person with a disability under the Americans</p> <p>23 With Disabilities Act. So, you believe you had</p> <p>24 a disability in November -- I'm sorry --</p> <p>25 November of 2018.</p>	<p>1 Q But, I thought you said before that you were</p> <p>2 working in the kitchen, and you were working</p> <p>3 eight hours, and you were okay with that. Why</p> <p>4 did you want to change your location and work</p> <p>5 schedule?</p> <p>6 A This -- this -- this -- I was asking for another</p> <p>7 job if I can't keep the one I had.</p> <p>8 Q But, it doesn't -- in this letter it doesn't say</p> <p>9 I'm currently working in the kitchen at eight</p> <p>10 hours and I want to stay there; does it?</p> <p>11 A No, it doesn't.</p> <p>12 Q The only thing you asked for is to be</p> <p>13 transferred to another location and a work</p> <p>14 schedule with eight hours a day; right?</p> <p>15 A Yes. That's -- that's what this is saying.</p> <p>16 Q All right. And, that's the accommodation you</p> <p>17 wanted?</p> <p>18 A That's the accommodation that I was asking for,</p> <p>19 eight hours versus 12 hours based on my medical</p> <p>20 condition.</p> <p>21 Q And changing location; right?</p> <p>22 A Yes, yes, changing location.</p> <p>23 Q All right. Let's go to No. 11. Do you remember</p> <p>24 receiving this letter -- it looks like from</p> <p>25 Sheriff Hilton. Did you receive this document?</p>



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<p>1 Q Okay.</p> <p>2 A To this day I'm still having the same problems.</p> <p>3 Q Okay.</p> <p>4 A And, I have seen my doctor. Just recently I saw</p> <p>5 my doctor, and he knows my problem. But, I want</p> <p>6 -- he can tell you when he talks to you</p> <p>7 Wednesday what he has to say.</p> <p>8 Q Okay. That's fine. Let's go down later, right.</p> <p>9 It says, the next paragraph, "Has been having</p> <p>10 weakness in arms with numbness. I did a nerve</p> <p>11 conduction study and EMG. This showed evidence</p> <p>12 of mild cervical spondylosis and carpal tunnel</p> <p>13 syndrome. For that reason, his hand</p> <p>14 coordination is not good. He cannot do shooting</p> <p>15 as a police officer. He is suppose to change</p> <p>16 his position to watching the inmates." So, two</p> <p>17 things. When he's saying he cannot do shooting</p> <p>18 as a police officer -- well, next sentence,</p> <p>19 "He's suppose to change his position to watching</p> <p>20 inmates." Does that mean you thought you were</p> <p>21 getting transferred in July 31 of '18 to</p> <p>22 corrections? Is that what that means?</p> <p>23 MR. LANSER:</p> <p>24 Objection as to the speculation, but</p> <p>25 continue, Mr. McKinney.</p>	<p>1 Q Did you tell the doctor that you were no longer</p> <p>2 POST certified?</p> <p>3 A No, sir. I didn't. I haven't. I haven't</p> <p>4 discussed with the doctor about anything dealing</p> <p>5 with my shooting.</p> <p>6 Q Okay.</p> <p>7 A Anything.</p> <p>8 Q Okay. So, you didn't explain to the doctor</p> <p>9 that, if he gives you an excuse to continue to</p> <p>10 work as a bailiff that would be sending you to a</p> <p>11 position that you were not even qualified to</p> <p>12 work under because of POST. You didn't -- you</p> <p>13 didn't explain that to the doctor.</p> <p>14 A Like I say, sir, I did not discuss anything as</p> <p>15 far as my POST certification with my doctor.</p> <p>16 Q All right. So, then we talked about the letter</p> <p>17 that we looked at before. There is a July 31</p> <p>18 letter where -- that was written; right? Let's</p> <p>19 do this. Let's go to the next one. Hang on.</p> <p>20 Let's go to 18. Okay. Go to 19. The same day</p> <p>21 we got this letter. You recall receiving this;</p> <p>22 right?</p> <p>23 A Yes, sir.</p> <p>24 Q And, this is the same month that Wood had told</p> <p>25 you, if you don't qualify, you might get</p>
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<p>1 A I was -- I was -- I was told I was getting</p> <p>2 transferred to corrections.</p> <p>3 Q Who told you that?</p> <p>4 A But, I say I wasn't. I was not. I was not told</p> <p>5 in July I was being transferred to corrections.</p> <p>6 All I was told I had to qualify or, if I didn't</p> <p>7 qualify, I may be going back to the jail.</p> <p>8 Q Who told you that?</p> <p>9 A I was told that by -- by major -- at the time</p> <p>10 Major Wood.</p> <p>11 Q Okay. So, at that time in July of '18 you knew</p> <p>12 if you didn't qualify you were going to go back</p> <p>13 to the jail; right?</p> <p>14 A I didn't know that for to be fact. That was the</p> <p>15 rumor from -- rumor -- as they say rumor</p> <p>16 control.</p> <p>17 Q I thought you said Wood told you that.</p> <p>18 A Yes, but rumor control I say, like a rumor</p> <p>19 control. It wasn't concrete.</p> <p>20 Q So, if you look at the bottom it says, "If there</p> <p>21 are a lot of noises, he probably cannot work in</p> <p>22 these conditions. For that reason I will give</p> <p>23 him an excuse to continue what he is doing now."</p> <p>24 Do you see that?</p> <p>25 A Yeah, I see it. Yes, sir. I see it.</p>	<p>1 transferred; right?</p> <p>2 A Yes, sir.</p> <p>3 Q Okay. And, you didn't give this letter to --</p> <p>4 well, did you give this letter to anybody?</p> <p>5 A No, sir.</p> <p>6 Q Okay. And, correct me if I'm wrong, the reason</p> <p>7 you didn't give that letter to anybody is</p> <p>8 because you, in fact, weren't getting</p> <p>9 transferred until much later?</p> <p>10 A I didn't -- I didn't give the letter to anyone,</p> <p>11 sir.</p> <p>12 Q But, had you given this letter to the Sheriff's</p> <p>13 Department, they would not have allowed you to</p> <p>14 shoot your weapon; correct?</p> <p>15 MR. LANSER:</p> <p>16 Objection, speculation, but you can</p> <p>17 answer.</p> <p>18 A I don't know if they would have allowed me or</p> <p>19 not, sir.</p> <p>20 Q And, you also, yes or no, you didn't give this</p> <p>21 letter to anybody because you, in fact, hadn't</p> <p>22 been transferred yet?</p> <p>23 A I didn't give that letter to anyone, sir.</p> <p>24 Q All right. That's fine. Let's go to No. 20.</p> <p>25 Do you recall getting a brain stem auditory voc</p>

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<p>1 December. I'm not sure what date.</p> <p>2 Q So, to get the letter did you have to go back up</p> <p>3 there to get it, or did they mail it to you, or</p> <p>4 how did that work?</p> <p>5 A I don't recall if they mailed it or we picked it</p> <p>6 up. I don't -- I don't -- I'm not too sure, but</p> <p>7 we got it, but I'm not sure --</p> <p>8 Q Did you think you got it -- Did you think you</p> <p>9 got it by the November 30, '18 request date</p> <p>10 that's in here?</p> <p>11 A I don't think so, but I -- I don't know for</p> <p>12 sure.</p> <p>13 Q Okay. How did you get to that doctor to begin</p> <p>14 with? In other words, you had your stroke in</p> <p>15 November of '17. Had you seen that doctor</p> <p>16 before November of '17?</p> <p>17 A That was -- that was my doctor when I had my</p> <p>18 stroke.</p> <p>19 Q Right, no. I understand that. Your stroke was</p> <p>20 November of 2017, but had you seen him before</p> <p>21 November of 2017, or the first time you saw him</p> <p>22 was because of your stroke?</p> <p>23 A The first time was because of my stroke.</p> <p>24 Q Okay. I understand. And, were you like</p> <p>25 referred to him from the emergency room or</p>	<p>1 Q Okay. The next sentence says, "The combined</p> <p>2 average score must be 96, which is 80% or</p> <p>3 greater, up to 120, which is the maximum points</p> <p>4 one can achieve on the mandated POST course."</p> <p>5 Do you know whether that's true or not?</p> <p>6 A Yeah. The average score -- average score should</p> <p>7 be 96.</p> <p>8 Q Okay.</p> <p>9 A Or higher.</p> <p>10 Q Okay. Let's go through the rest here. It says,</p> <p>11 "This statement is to document the efforts of</p> <p>12 both McKinney and RPSO trainers in his attempts</p> <p>13 to qualify with his duty weapon for the year</p> <p>14 2018. The last qualified firearm score recorded</p> <p>15 for Mr. -- I'm sorry -- for McKinney is on</p> <p>16 February 27, 2017." Do you agree with that,</p> <p>17 that that was your last qualifying firearm</p> <p>18 score?</p> <p>19 A Yes.</p> <p>20 Q On April 9, '18 he arrived for annual in-service</p> <p>21 training. Do you remember that?</p> <p>22 A On April.</p> <p>23 Q Yes. On April 9, 2018 you went to qualify,</p> <p>24 according to this.</p> <p>25 A I went to -- I went -- if I went in April, I</p>
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<p>1 something? Is that how that happened?</p> <p>2 A Yes. I was referred to him while I was in the</p> <p>3 hospital.</p> <p>4 Q Okay. Got it. Let's go to No. 24 and see if</p> <p>5 you've seen this before. Have you seen this</p> <p>6 document before?</p> <p>7 A I have never seen this document.</p> <p>8 Q All right. Let me kind of read it, and I want</p> <p>9 to go through and see if it's correct or not.</p> <p>10 So, it's dated 5/7/19 that they wrote it, okay,</p> <p>11 regarding expired firearms recertification. At</p> <p>12 the top it says, "Note: To ensure an</p> <p>13 understanding of the attached documents it</p> <p>14 should be known that when an employee exceeds 13</p> <p>15 months since the date of their last firearm</p> <p>16 qualification one of the requirements from POST</p> <p>17 is that they must shoot the course four times</p> <p>18 consecutively and those scores be averaged." Is</p> <p>19 that true, that first sentence I just read?</p> <p>20 A I'm not on the instructor side. I don't know if</p> <p>21 it's true or not.</p> <p>22 Q Oh, well, let me ask you this. What we do agree</p> <p>23 on is that, if you're 13 months without a</p> <p>24 certification, you've got to get recertified.</p> <p>25 A Yes.</p>	<p>1 went to practice.</p> <p>2 Q Okay. Maybe that's what it was.</p> <p>3 A Yeah.</p> <p>4 Q They call it annual in-service training. Maybe</p> <p>5 we're just saying the same thing. Let's blow</p> <p>6 this up a little bit for him, Wes.</p> <p>7 A I can see it.</p> <p>8 Q Okay. Never mind. He can see it. Okay. Do</p> <p>9 you see that for annual in-service training, is</p> <p>10 that, you believe it was practice?</p> <p>11 A I know it's -- I know to the best of my</p> <p>12 knowledge it was practice.</p> <p>13 Q Okay. Then it says, "I could see --" and this</p> <p>14 is it looks like it's Brooks who is signing --</p> <p>15 who is doing this. Do you know who Brooks is?</p> <p>16 A No. That's -- that's -- that's a -- that's a</p> <p>17 last name is Brown.</p> <p>18 Q Oh, Brown, I'm sorry. Do you know who Brown is?</p> <p>19 A Oh, yes.</p> <p>20 Q Okay. All right. It says, "I could see at that</p> <p>21 time he was having difficulty with simple motor</p> <p>22 skills such as walking, balance, comprehension,</p> <p>23 and also appeared to be generally fatigued. I</p> <p>24 separated him from other employees which were</p> <p>25 present and asked if he was okay." Do you</p>

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<p>1 looking at is we've got maybe six or seven 2 visits. Look, if I'm wrong, tell me I'm wrong. 3 I'm just trying to do math here. I'm saying 4 three times that we went to qualify, and say 5 three or four times that you went to go, you 6 know, practice. When you -- when you go to 7 qualify and you shoot 60 x 4, 240. When you 8 visit and you're just practicing, how many 9 rounds do you shoot if you're just practicing? 10 A You -- you -- you -- you can shoot 60 and leave 11 the range. 12 Q Okay. 13 A Or you can shoot until the instructor says, 14 well, I'm going to close down for the day. 15 Q What did you normally do at this time, you know, 16 after your stroke? I mean, how many rounds were 17 you shooting at practice? 18 A I made sure I tried to shoot 60 and I was -- my 19 hand was getting -- was still weak, so I 20 couldn't do no more. 21 Q So, just about 60? 22 A And every -- and everybody know -- well, the 23 range person there knew from my stroke. On that 24 second try my hand was getting weak. Even -- 25 even the sheriff knows that, so.</p>	<p>1 A Well, if you're -- if you're going for 2 qualification, you are allowed to shoot -- you 3 -- you -- you are -- we are allowed to shoot 4 four times. 5 Q Right. 6 A And, we are issued 60 rounds. 7 Q Okay. Right. So, that's 240 shots. That's 240 8 rounds each qualifying attempt. 9 A Yes, sir. 10 Q Okay. So, we did three of those, so that's 720. 11 Do you agree with me there? 12 A Yes, sir. 13 Q All right. And, then you went three to four 14 times on your own where you shot about 60 15 rounds. So, that's about another 200 or so. 16 A And, I also had my own ammo. 17 Q Right, I understand. I'm just saying the 18 numbers of rounds shot is probably around 1,000 19 if I use those numbers, not 1,900. 20 A It's not 1,900, I know for a fact. 21 Q 1,000 is fair? 22 A I would say that's -- that's -- that's fair. 23 Q Okay. I don't think I have anymore questions. 24 Dave, do you have any questions? Actually, no. 25 I do have one more. Hang on. I need to ask him</p>
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<p>1 Q So, I guess -- 2 A -- (inaudible) -- 3 Q Go ahead. I'm sorry. I did not mean to 4 interrupt you. 5 A So, I did the best I could to qualify. But, 6 with the situation, I wasn't able to, and I'm 7 not -- 8 Q All right. I gotcha'. 9 A I'm not -- I'm not ashamed. I did the best I 10 could. 11 Q I understand. All I was trying to figure out, 12 when I'm doing my math in my head, because I 13 know he just wrote the 1,900. But, I'm trying 14 to figure out what other number that might have 15 been, because when I calculate it, it looks like 16 it's more than 600, because this is what I did. 17 I did three qualifying times at 240 of 18 qualifying; right? So, 240 rounds for each 19 qualifying event, times that you went to 20 qualify. So, 240 x 3 is 720. And, if you did 21 three visits or so, or three to four visits for 22 practice, that's 60 rounds a visit, that's about 23 240. That still takes me close to about 1,000 24 rounds. So, I guess that's kind of the number I 25 was looking at. Am I doing that math wrong?</p>	<p>1 this. Did you do any -- since your stroke have 2 you done any details? 3 A No, sir. I -- I -- I've -- I'm retired from the 4 department. I can't work any -- I don't know 5 any -- any details. 6 Q I may have had a bad question. I guess what I 7 was getting at, from February of '18, okay, when 8 you came back after your stroke until you were 9 fired, did you work any details during that 10 period of time? 11 A I wasn't -- I wasn't -- I wasn't able to work 12 any details due to my medical -- medical 13 condition. I don't -- I don't -- I don't recall 14 working any details. 15 Q I'm trying to get that from the Sheriff's Office 16 to see, but I thought that they may have 17 indicated that you had done some detail maybe at 18 an airport or something. Does that ring a bell 19 at all? 20 A I -- I -- I worked at, uh -- I worked the 21 airport some weekends, but I don't recall 22 working the airport after my stroke. I may 23 have. I don't recall. 24 Q Do you have to be POST certified to work a 25 detail?</p>

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1	A Well, if -- I was -- I would say yes and no.	1	Q Okay.
2	And, why I say yes and no because -- Well, I'm	2	A That's the only support.
3	going to say yes and no. I'm going to leave it	3	Q Wes, if you don't mind, can you pull up
4	at that.	4	Exhibit 13 real quick? I think it was 13.
5	<b>Q Well, I don't know what that means.</b>	5	That's fine right there. Do you remember this,
6	A I will -- I will -- I'm going to consult my	6	uh -- this letter we talked about earlier,
7	attorney.	7	Mr. McKinney? Do you remember this letter?
8	<b>Q You refuse to answer that question? I just said</b>	8	A Yes, sir.
9	<b>if you don't answer it --</b>	9	Q Okay. And, if I'm reading this correctly, it
10	A Excuse me, sir?	10	says in this first paragraph here it says, "We
11	MR. LANSER:	11	informed you in our letter dated December 10th,
12	I think he's just -- he's just -- you're	12	2018 you do not meet POST requirements." Do you
13	asking him whether it's required to have POST	13	see that? Does that sound correct?
14	certification?	14	A Yes, sir. I see it.
15	MR. RICHARDSON:	15	Q Okay. So, as of December 10th, 2018 you were
16	Yeah. I want to know do you have to be	16	still actively attempting to recertify?
17	POST certified to work a detail.	17	A Yes, sir.
18	A Yes, yes, yes. It is. It is required to work	18	Q Okay. Give me one minute here. Let me look
19	POST -- It is required, to work a detail, you	19	over my notes one second. At any point after
20	must be POST certified, yes, but -- but also --	20	you returned to work following your stroke at
21	<b>Q So, what I'm trying to get at, and I'm going to</b>	21	any point did you have a conversation with the
22	<b>get the records, and I'll get them today as soon</b>	22	sheriff about potential positions you could have
23	<b>as I can get them; but, were you working details</b>	23	been transferred to?
24	<b>after March of 2018?</b>	24	A No, sir.
25	A I can't recall if I worked a detail after March	25	Q Okay. Was there any conversation about, you
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1	of 2018.	1	know, other than what we've seen in the letters,
2	Q Okay. What we'll do. I'll get these and I'll	2	did the sheriff ever speak to you about specific
3	get them today and we'll send you a little	3	accommodations that he might be able to provide
4	request and ask you if they're accurate if we	4	you?
5	get those, and then you can determine if you	5	A He never spoke to me at all about any positions.
6	were or weren't; okay?	6	Q Okay. How about anyone else, like Doug
7	A Sounds good, sir.	7	Hollingsworth or anyone else?
8	Q All right. I don't have any further questions.	8	A No. No one else -- no one else ever spoke to me
9	EXAMINATION BY MR. LANSER:	9	about any potential positions that they can
10	Q Okay. I think I just have a couple of brief	10	transfer me to.
11	ones here. Let's see. Okay. Mr. McKinney, so	11	Q Okay. So, in November 2018 you did work some
12	as of December of 2018 you are still actively	12	12-hour shifts in the control center; is that
13	attempting to qualify for POST certification; is	13	correct?
14	that correct?	14	A That is correct.
15	A What day, sir?	15	Q But, you don't recall the exact dates?
16	Q As of December 2018 when you were terminated,	16	A I don't recall the exact dates.
17	you were still trying to qualify?	17	Q You also mentioned, when you were discussing
18	A Yes, sir.	18	your hypersensitivity to noise you mentioned,
19	Q Okay. Did you ever receive any, you know,	19	you know, something -- something like the TV
20	additional support or training from Rapides	20	being on too loud or your grandkids playing a
21	Parish Sheriff's Office in your attempts to	21	video game or something like that as -- as
22	requalify?	22	things that can potentially trigger that. Is
23	A No, sir. I never received any support. And, if	23	that correct?
24	I can add, the only support I received was from	24	A That is correct, sir.
25	one of my coworkers.	25	Q Okay. Is there -- is there a difference in the

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1	noise level and how it affects you versus one of	1	CERTIFICATE
2	those examples like a television being on	2	
3	versus, you know, offenders in the jail making	3	This certification is valid only for a
4	noise? Is there a difference there?	4	transcript accompanied by my original signature and
5	A I would say -- I would say no, sir. There is no	5	original required stamp on this page.
6	difference. It still -- it still affects me.	6	I, Cyndie L. McManus, Certified Court Reporter
7	Q Okay. It doesn't affect you more when it's	7	in and for the State of Louisiana, as the officer
8	louder?	8	before whom this testimony was taken, do hereby
9	A It -- it -- it affects me when it's louder	9	certify that, Jerry McKinney, after having been duly
10	versus when it's lower. So louder --	10	sworn by me upon authority of R.S. 37:2554, did
11	Q So, if it's louder noise, it might affect you	11	testify as hereinbefore set forth in the foregoing
12	more seriously than if it's a quieter noise?	12	139 pages; that this testimony was reported by me in
13	A Yes, sir, it does.	13	the stenotype reporting method, was prepared and
14	Q Okay. Did you -- did you want to retire in	14	transcribed by me, and is a true and correct
15	December of 2016?	15	transcript to the best of my ability and
16	A No, sir. I didn't want to retire.	16	understanding; that the transcript has been prepared
17	Q Would you have continued to work at Rapides	17	in compliance with transcript format guidelines
18	Parish Sheriff's Office, assuming you could do	18	required by statute or by rules of the Board; that I
19	it safely?	19	have acted in compliance with the prohibition on
20	A Yes, sir, I would have.	20	contractual relationships as defined by Louisiana
21	Q Okay. I don't think I have any further	21	Code of Civil Procedure Article 1434 and in rules and
22	questions.	22	advisory opinions of the Board; that I am not related
23	MR. RICHARDSON:	23	to counsel or to the parties herein, nor am I
24	All right. That's it. Mr. McKinney,	24	otherwise interested in the outcome of this matter.
25	you have an option to read and sign the	25	In witness whereof, I have hereto affixed my
Page 139		Cyndie L. McManus Certified Court Reporter State of LA #91137	
1	deposition. We videoed it, as well, but		
2	that's up to you. If you want her to send it		
3	to you, you can read it and sign off on it,		
4	or you can waive that right, and she'll go		
5	ahead and just type it up.		
6	MR. LANSER:		
7	I think she can just type it up.		
8	MR. RICHARDSON:		
9	Yeah, type it up. Okay. That's fine.		
10	All right. We'll do that. Thank you, sir.		
11	Mr. McKinney, I wish you the best of luck.		
12	Dave, I will see if I can find anything on		
13	details, hopefully before tomorrow's		
14	deposition -- I mean Wednesday -- assuming		
15	we're not all under water here, and I will		
16	send it to you.		
17	MR. LANSER:		
18	All right.		
19	MR. RICHARDSON:		
20	All right. Thanks everyone.		
21	(Deposition is concluded at 1:20 p.m)		
22			
23			
24			
25			